

United States District Court
EASTERN DISTRICT OF TEXAS DIVISION
SHERMAN DIVISION

THE STATE OF TEXAS,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 4:16CV822
	§	JUDGE MAZZANT/JUDGE JOHNSON
v.	§	
	§	
JOSEPH ANDREW DIRUZZO,	§	
	§	
Defendant.	§	
	§	

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 10, 2016, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that *pro se* Defendant Joseph Andrew Diruzzo's counterclaims should be **DENIED** and this case should be **DISMISSED** because it was improperly removed to the Eastern District of Texas (*see* Dkt. #3).

The record in this case indicates Defendant received a copy of the Magistrate Judge's report and recommendation on November 21, 2016 (*see* Dkt. #5). Defendant timely filed Objections on November 28, 2016 (Dkt. #6). Defendant makes similar arguments as made in his Notice of Removal (Dkt. #1), and again fails to demonstrate that the criminal case against him in 24th Judicial District in Victoria County was properly removed to the Sherman Division of the Eastern District of Texas.

The Court having made a *de novo* review of the objections raised by Defendant is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Defendant are without merit as to the ultimate recommendation.

Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore, **ORDERED** that Defendant's counterclaims are **DENIED** and the case is **DISMISSED**.

The Court further finds Defendant's Notice of Unlawful Incarceration (Dkt. #4) filed after the report of the Magistrate Judge (Dkt. #3) is **DENIED AS MOOT**.

IT IS SO ORDERED.

SIGNED this 7th day of December, 2016.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE